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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,812	06/20/2003	Frank Bonadio	08203.0030-01	7588

22852 7590 04/29/2008
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

BIANCO, PATRICIA

ART UNIT	PAPER NUMBER
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3772

MAIL DATE	DELIVERY MODE
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04/29/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary

Application No.

10/600,812

Applicant(s)

BONADIO ET AL.

Examiner

PATRICIA M. BIANCO

Art Unit

3772

All participants (applicant, applicant's representative, PTO personnel):

(1) Patricia Bianco & Jessica Harrison.

(3) Roland McAndrews.

(2) Thomas Ho.

(4) Frank Bonadio.

Date of Interview: April 15th, 2008.

Type: a) ☐ Telephonic b) ☐ Video Conference

c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.

If Yes, brief description: Mr. Bonadio demonstrated the difference between a prototype of the instant invention & a prototype of an invention that is similar to that disclosed in the prior art in the case (i.e. Leahy(5,640,977)).

Claim(s) discussed: 25 and 41.


Identification of prior art discussed: Leahy(5,640,977)).

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700
PATRICIA BIANCO
4/15/08

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant and his representation gave a brief overview of the technology and of the invention of the instant application. The discussion included the demonstration of how the instant invention differs from that of the prior art, namely as to the instant application's seal assembly providing a constant or controlled pressurized area around the incision versus the prior art's deficiency in maintaining an effective pressure seal. Differences with respect to the Leahy's use of adhesive disclosed to be the sealing means versus applicant's coupling means of only a distal ring coupled to a tubular diaphragm were discussed to show applicant's invention is a non-obvious variation of the Leahy patent. With respect to the claims, applicant will submit an amendment in response to the outstanding action including amendments to the claims to recite a more definitive structural connection of the coupling assembly to define the distal ring and diaphragm in combination with the function of this coupling to provide a controlled pressurized environment to more clearly define the invention.

With respect to applicant's argument to seeking the priority date, Ms. Harrison noted that it is applicant's responsibility to prove to the PTO that they are entitled to the priority date. Ms. Harrison also suggested that applicant argue their position with respect to *In re Decker*. With respect to the estoppel issue, upon review of Applicant's arguments and amendments, if applicant successfully amends the claims to be a Non-obvious variation of the Leahy invention, the estoppel will be moot.